



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2016
DISTRIBUTED: May 3, 2016

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Francis A. Costigan, Jr., Milford, Maine. Francis A. Costigan, Jr. ("Costigan") owns a parcel of land in Milford, Maine which abuts Sunkhaze Stream. Costigan placed fill, specifically rip-rap/rock, in and adjacent to Sunkhaze Stream. The fill was placed along the bank for approximately 400 linear feet and below the normal high water line of Sunkhaze Stream. The fill was placed without proper erosion control measures or a permit in violation of the *Natural Resources Protection Act*, 38 M.R.S. § 480-C, the *Protection and Improvement of Waters* law, 38 M.R.S. § 413(1) and the *Erosion and Sedimentation Control* law, 38 M.R.S. § 420-C. To resolve the violations, Costigan agreed to submit an after-the-fact application for a *Natural Resources Protection Act* permit, remove all unapproved rock that has been placed on the bank of, and below the normal water line of Sunkhaze Stream and submit a restoration plan for alterations that are not approved. Costigan also agreed to pay a civil monetary penalty to the *Treasurer* of Maine in the amount of three thousand four hundred dollars (\$3,400.00).

James G. Movchan and Marvin Smith, Kennebunk, Maine. James G. Movchan owns a parcel of land on Parsons Beach Road in Kennebunk, Maine that is within both the back and frontal dune areas of a coastal dune system and Marvin Smith operates said parcel with Mr. Movchan's permission. James G. Movchan and Marvin Smith ("Movchan/Smith") are responsible for the removal of *Rosa rugosa*, a dune vegetation, the construction of a lawn in the frontal dune, patios and gardens in the back dunes and the landscaping of the surrounding areas. Movchan/Smith altered approximately 17,670 square feet of the coastal sand dune system without a permit. The removal of vegetation, placing of fill in a coastal sand dune system and the placement of permanent structures in a coastal sand dune system without a permit were violations of the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. Prior to entering into an administrative consent agreement with the Department of Environmental Protection, Movchan/Smith removed from the frontal dune area the concrete and paver patio and stabilized the project area. To resolve the violations, Movchan/Smith agreed to submit an after-the-fact Permit by Rule Notification Form for the patios, gardens and associated activities in the back dune areas, and submit a restoration plan to restore the altered portions of the frontal and back dunes for alterations not



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2016

DISTRIBUTED: May 3, 2016

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

approved by the Department of Environmental Protection. Movchan/Smith also agreed to pay a civil monetary penalty to the *Treasurer* of Maine in the amount of four thousand nine hundred eighty-four dollars (\$4,984.00).